

A meeting of the Jasper County Board of Zoning Appeals was held Monday, September 26, 2016 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Jim Martin, John Korniak, Chris Healey and Scott Walstra. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Kelli Standish, Secretary. Absent was: Lance Strange and Mary Scheurich.

Meeting was called to order by President Chris Healey. The Pledge of Allegiance was recited. The first order of business was the call for approval of the August 2016 minutes.

Jim Martin made the motion to approve the August 2016 minutes. Motion was seconded by John Korniak and carried unanimously.

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Special Exception

Cause#BZA-4-16

Applicant: James Kreiger/Prairie Creek Ag Lands LLC

Location: Sec.4-32-6 – Wheatfield Twp. - 300W. & 400W. S. of 1700N.

Use: Sand Mining

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Public hearing held pursuant to notice published July 17, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Chris Healey stated that we have received a letter from the applicants Attorney Russell Bailey requesting the application be continued to January 2017 meeting.

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Special Exception

Cause#BZA-6-16

Applicant: Hidden View Dairy/T & M Limited Partnership

Location: Sec.23-30-6 – Barkley Twp. – St.Rd. 14 W. of 100W. N-side

Use: Proposed Robotic Dairy

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Public hearing held pursuant to notice published September 8, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Attorney Donald Shelmon representing the applicant stated that the owner of the property is T & M Limited Partnership and this is Hidden View Dairy. This is an existing Confined Feeding Operation currently having 4,000 head of cattle on the property now. The zoning is A3. They are proposing a robotic dairy that will be 350ft. by 345ft. They are also proposing a new storm detention facility that will be 280ft. by 320ft. to catch the run off. There will be an additional waste water pond that will be located to the north of the existing buildings. The proposed waste water pond will be 760ft. by 140ft. This will add approximately 8,530,000

gallons of waste water storage which is one year of additional storage. They are also adding a storage facility for run off to help with their existing one. They are proposing to have 780 cows with the new robotic barn, there will be 580 milking cows and 200 dry cows. The existing digester is large enough to handle all of the additional manure. They have filed for their IDEM permit but will not obtain the permit for a month or two. He presented a bulletin board with pictures of the robotic farm located on Tony Bos's farm to show the board what a robotic farm looks like (we do not have the pictures for the file). The cow goes into a stall where it will be Identified (ID) and milked and when it is done being milked the cow will leave on its own. Each cow is measured as to where to put it's milker on their utters, it washes the cow before it gets milked and when the machine detects the cow is done milking it release's itself and the cow leaves. The advantage of having a robotic barn is that it allows the cow on its own to determine when it is going to be milked, this happens 3-5 times a day depending on the cow. The other advantage is since the cow is telling itself when it is time to be milked it is less stressful on the cow, the life of the cow is extended, it is more efficient and labor cost is less since they do not need as many people working there. What took 7 employees's to do, will only take 2 employees. Since they are modify the existing plan that is why they are asking for a Special Exception approval.

He then read the proposed Findings of Facts:

1. The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan:

**Response: The modification is to an area that is already a confined feeding operation and will merely be enlarged in order to utilize new technology, all of which is contained in an A-3 zoning district and is consistent with the comprehensive development plan.**

2. The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community (consider whether the special exception will hurt or potentially cause harm to the county).

**Response: The proposed modification takes into consideration the addition of an additional digester to handle the manure to be produced in substantially the same manner as it has been in the past, all of which is within the rules and regulations as established by IDEM and will not be injurious to the public health, safety, morals or general welfare of the community.**

3. The proposed Special Exception is in harmony with all adjacent land uses.

**Response: The modification is consistent with the manner in which the current land is being utilized and is consistent with the arming operations being conducted in the adjacent area, all of which is agricultural.**

4. The proposed Special Exception will not alter the character of the district.

**Response: The modification, as proposed, is consistent with the character of the agricultural district in which it lies.**

5. The proposed Special Exception will not substantially impact property value in an adverse manner (consider whether neighboring property will suffer any major negative impacts).

**Response: The proposed modification shall not adversely impact the value of adjacent property, and in fact may enhance the same as adjacent property benefits from the manure that is produced on site. He then added that this site obtained approval to dragline all the manure which is being spread through agreement from the County down the county roads which they have been doing.**

6. No appreciable environmental harm will result from the use allowed by the special exception or if such harms could result, such resulting harms are eliminated or reasonable mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

**Response: There shall be no adverse environmental impact, as the modifications facilities are all located within the area that is currently being utilized as a confined feeding operation and all of the manure shall be treated through a digester held in secure lagoons approved by IDEM.**

Chris Healey asked if anyone present had any opposition to the application. There was none.

Jim Martin asked if he knew how far the proposed building is going to be from St.Rd. 14.

Attorney Shelmon replied that when he filed the application he discussed that with Mary Scheurich and believes the requirement for this dairy farm is 1000 feet which they do exceed that requirement. He is aware that there is a set-back requirement of 1320 ft, but since the applicant owns property across the street they will meet that requirement.

Scott Walstra made the motion to grant approval for the special exception along stated in his presentation in Article 9, Special Exception 9.14 (7)(a)(i) through (vi) subject to the applicant obtaining their IDEM permit. Motion was seconded by John Korniak and carried unanimously.

Chris Healey then read the Findings of Facts from Article 9, Special Exception 9.14 (7)(a)(i) through (vi) to the Board:

- i. The proposed special exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan;

The board unanimously voted that the applicant met the requirements of (i).

- ii. The proposed special exception will not be injurious to the public health, safety,

morals and general welfare of the community;

The board unanimously voted that the applicant met the requirements of (ii).

iii. The proposed special exception is in harmony with all adjacent land uses;

The board unanimously voted that the applicant met the requirements of (iii).

iv. The proposed special exception will not alter the character of the district;

The board unanimously voted that the applicant met the requirements of (iv).

v. The proposed special exception will not substantially impact property value in and adverse manner; and

The board unanimously voted that the applicant met the requirements of (v).

vi. No appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

The board unanimously voted that the applicant met the requirements of (vi).

Jim Martin made the motion to grant approval for the Findings of Facts that have been stated by the Applicant. Motion was seconded by John Korniak and carried unanimously.

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Special Exception

Cause#BZA-7-16

Applicant: Herrema Dairy/T & M Limited Partnership

Location : Sec.31-31-7 – Union Twp. – 500N. W. of 1000W. N-side

Use: Robotic Dairy

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Public hearing held pursuant to notice published September 8, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Attorney Don Shelmon representing the applicant stated that the applicant is Herrema Dairy and the landowners of the property are T & M Limited Partnership. The existing Confined Feeding Operation currently has 4,000 head of cattle. They are proposing to have a Robotic Dairy on this site as well. It is almost identical to what was presented for the Hidden View Dairy so he will not go over the same things. They will be adding 920 cows, 720 milking cows and 200 dry cows. The proposed robotic dairy barn will be 346ft. by 412ft. The waste water pond is 753.5ft. by 217ft. this will hold 9.8 million gallons of storage. The storm water pond will be

400ft. by 175ft. They are also building another digester (160ft. by 74ft.) since the exiting one isn't sufficient to hold the added manure. They will be using the same equipment and method as he explained in the previous application. They have filed for a permit with IDEM but that will take 1 to 2 months as well to get back.

He then read the proposed Findings of Facts:

1. The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan:

**Response: The modification is to an area that is already a confined feeding operation and will merely be enlarged in order to utilize new technology, all of which is contained in an A-3 zoning district and is consistent with the comprehensive development plan.**

2. The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community (consider whether the special exception will hurt or potentially cause harm to the county).

**Response: The proposed modification takes into consideration the addition of an additional digester to handle the manure to be produced in substantially the same manner as it has been in the past, all of which is within the rules and regulations as established by IDEM and will not be injurious to the public health, safety, morals or general welfare of the community.**

3. The proposed Special Exception is in harmony with all adjacent land uses.

**Response: The modification is consistent with the manner in which the current land is being utilized and is consistent with the arming operations being conducted in the adjacent area, all of which is agricultural.**

4. The proposed Special Exception will not alter the character of the district.

**Response: The modification, as proposed, is consistent with the character of the agricultural district in which it lies.**

5. The proposed Special Exception will not substantially impact property value in an adverse manner (consider whether neighboring property will suffer any major negative impacts).

**Response: The proposed modification shall not adversely impact the value of adjacent property, and in fact may enhance the same as adjacent property benefits from the manure that is produced on site.**

6. No appreciable environmental harm will result from the use allowed by the special

exception or if such harms could result, such resulting harms are eliminated or reasonable mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

**Response: There shall be no adverse environmental impact, as the modifications facilities are all located within the area that is currently being utilized as a confined feeding operation and all of the manure shall be treated through a digester held in secure lagoons approved by IDEM.**

Chris Healey asked if anyone present had any opposition to the application. There was none.

Jim Martin asked if he knew how far the proposed building will be to 500N.

Attorney Shelmon replied that he is not sure how far he is going to be. He did not measure it since they own property across the street and knew there would be no set-back problems.

John Korniak made the motion to grant approval for the special exception along stated in his presentation in Article 9, Special Exception 9.14 (7)(a)(i) through (vi) subject to the applicant obtaining their IDEM permit. Motion was seconded by Jim Martin and carried unanimously.

Chris Healey then read the Findings of Facts from Article 9, Special Exception 9.14 (7)(a)(i) through (vi) to the Board:

- i. The proposed special exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan;

The board unanimously voted that the applicant met the requirements of (i).

- ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;

The board unanimously voted that the applicant met the requirements of (ii).

- iii. The proposed special exception is in harmony with all adjacent land uses;

The board unanimously voted that the applicant met the requirements of (iii).

- iv. The proposed special exception will not alter the character of the district;

The board unanimously voted that the applicant met the requirements of (iv).

- v. The proposed special exception will not substantially impact property value in and adverse manner; and

The board unanimously voted that the applicant met the requirements of (v).

- vi. No appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

The board unanimously voted that the applicant met the requirements of (vi).

Scott Walstra made the motion to grant approval for the Findings of Facts that have been stated by the Applicant. Motion was seconded by John Korniak and carried unanimously.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Jim Martin, Vice President